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Attorneys for Defendant
 ANNA'S LINENS, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CORNELIUS CLARK, CHESTER LEWIS,
 JOHN PONDS and GARRANT COSEY, on behalf
 of themselves and all other similarly situated
 persons,

Plaintiffs,

vs.

ANNA'S LINENS, INC.,

Defendant.

CASE NO. C05-02670 MMC

**JOINT STIPULATION AND
 ORDER CONTINUING HEARING
 ON DEFENDANT ANNA'S LINENS,
 INC.'S MOTION FOR SUMMARY
 JUDGMENT OR IN THE
 ALTERNATIVE, PARTIAL
 SUMMARY JUDGMENT AND
 PLAINTIFFS' REQUEST
 PURSUANT TO FEDERAL RULE
 OF CIVIL PROCEDURE 56(f)**

Current Hearing Date: July 6, 2007
 Time: 9:00 a.m.
 Judge: Hon. Maxine M. Chesney
 Ctrm: 7

Plaintiffs, Cornelius Clark, Chester Lewis, John Ponds and Garrant Cosey ("Plaintiffs")
 and Defendant, Anna's Linens, Inc. ("Defendant"), by and through their respective counsel,
 hereby agree and stipulate as follows:

WHEREAS, on January 5, 2007, Defendant filed a Motion For Summary Judgment Or In
 The Alternative, Partial Summary Judgment, which motion was originally scheduled to be heard
 on February 9, 2007;

WHEREAS, on January 19, 2007, Plaintiffs filed a Request, Pursuant to Federal Rule of

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Civil Procedure 56(f), That The Court Deny Defendant Anna's Linens, Inc.'s Motion For Summary Judgment, Or In The Alternative, Partial Summary Judgment, As Premature, Or In The Alternative, Continue Anna's Linens' Motion, To Allow Plaintiffs Adequate Time For Discovery Of Essential Facts To Enable Plaintiffs To Resist Anna's Linens' Motion. This Request also was initially scheduled to be heard on February 9, 2007;

WHEREAS, on January 30, 2007, Plaintiffs filed a Request That The Court Grant Relief Pursuant To Federal Rule of Civil Procedure 56(f), Which Is Effectively Unopposed. That Request also was originally scheduled to be heard on February 9, 2007;

WHEREAS, on February 1, 2007, Defendant Anna's Linens, Inc. filed an Opposition To And Motion To Strike Plaintiffs' "Request That Court Grant Plaintiffs' Request For Relief Pursuant To Federal Rule Of Civil Procedure 56(f)";

WHEREAS, the parties have participated in mediation before Jerry Spolter, Esq., of JAMS, and have reached a settlement agreement in principle of this litigation, subject to confirmation of certain details and final documentation;

WHEREAS, while the parties were still in mediation, pursuant to their Joint Stipulation the Court continued the subject hearing one month, to March 9, 2007;

WHEREAS, the Court subsequently continued the hearing date to May 4, 2007;

WHEREAS, the Court subsequently continued the hearing date to July 6, 2007;

WHEREAS, to achieve a global resolution of the instant dispute, Plaintiffs and Defendants have been attempting to secure the EEOC's consent to and/or joinder in the settlement agreement, which consent the EEOC has yet to provide; and

WHEREAS, in keeping with the above-referenced settlement agreement in principle, the parties wish to avoid unnecessary litigation burden and expense and wish to spare the Court the burden of unnecessary proceedings;

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1 NOW, THEREFORE, Plaintiffs and Defendant hereby AGREE and STIPULATE that the
2 hearing on the above-referenced Motions shall be continued forty-five (45) days to August 20,
3 2007, or to a date thereafter set by the Court.

4 IT IS SO STIPULATED.

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6 DATED: June 29, 2007

GOLDSTEIN, DEMCHAK, BALLER,
BORGEN & DARDARIAN

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8 By: /s/ Teresa Demchak
9 TERESA DEMCHAK
10 Attorneys for Plaintiffs CORNELIUS
11 CLARK, CHESTER LEWIS, JOHN
PONDS, AND GARRANT COSEY


12 DATED: June 29, 2007

GORDON & REES LLP

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14 By: /s/ Brian P. Maschler
15 BRIAN P. MASCHLER
16 Attorneys for Defendant
ANNA'S LINENS, INC.

17 IT IS SO ORDERED. The hearing is continued to August 24, 2007 at 9 a.m.
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20 DATED: July 2, 2007


21 Hon. Maxine M. Chesney
22 United States District Court Judge
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